

**REMARKS**

The November 17, 2008 Office Action was based upon pending Claims 1-51. This Amendment amends Claims 1, 6, 13, 20, 34, and 42. Thus, after entry of this Amendment, Claims 1-51 are pending and presented for further consideration.

**ISSUES RAISED IN THE OFFICE ACTION**

The Office Action rejected Claims 1-5 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,288,749 to Freadman (hereinafter "Freadman"), in view of U.S. Patent No. 6,195,530 to Smith, et al. (hereinafter "Smith"), in view of U.S. Patent No. 6,009,465 to Decker, et al. (hereinafter "Decker"), and further in view of U.S. Patent No. 5,742,713 to Sanders, et al. (hereinafter "Sanders").

Furthermore the Office Action rejected Claims 6-9 and 12 under 35 U.S.C. §103(a) as being unpatentable over Freadman in view of Smith, and further in view of Sanders.

In addition, the Office Action rejected Claims 13-33 and 42-51 under 35 U.S.C. §103(a) as being unpatentable over Freadman in view of Decker, and further in view of Sanders.

The Office Action also rejected Claims 34, 35 and 38-41 under 35 U.S.C. §103(a) as being unpatentable over Freadman in view of Smith, in view of U.S. Patent No. 5,760,822 to Coutinho (hereinafter "Coutinho") and further in view of Sanders.

Still further, the Office Action rejected Claims 10 and 11 under 35 U.S.C. §103(a) as being unpatentable over Freadman in view of Smith, in view of Sanders, as applied to Claim 9, and further in view of U.S. Patent No. 6,738,978 to Hendricks, et al. (hereinafter "Hendricks").

In addition, the Office Action rejected Claims 36 and 37 under 35 U.S.C. §103(a) as being unpatentable over Freadman in view of Coutinho, and further in view of Sanders, as applied to Claim 34, and further in view of Hendricks.

**REJECTION OF CLAIMS 1-5 UNDER 35 U.S.C. §103(A)**

The Office Action rejected Claims 1-5 under 35 U.S.C. §103(a) as being unpatentable over a four-way combination of Freadman, in view of Smith, Decker, and Sanders.

**Claim 1**

Claim 1 differs from the cited references for a number of reasons. For example, Claim 1 has a novel notch filter with two ports that not only filters out video signals from entering into a building, but also filters out local area network communications between different computers from leaving the building. These differences are discussed in further detail below.

**A Notch Filter That Filters Both Incoming Signals and Outgoing Signals**

The notch filter of Claim 1 has a first port that receives video signals and a second port that receives transmissions from a local area network. The notch filter filters certain bands of video signals from coming into a building while also filtering local area network communications from exiting the building.

In particular, a notch filter in communication with a coaxial cable, filters out one or more bands of video signals from an external source that are carried by the coaxial cable.

Although the local area network is in communication with the second port of the notch filter, the notch filter allows the local area network transmissions to occur over the coaxial cable within the building while filtering the transmissions from being sent from the local area network to the external source.

In contrast, neither Freadman, Smith, Decker, nor Sanders, either alone or in combination describe such a notch filter that filters both incoming video signals and outgoing local area network signals. While Sanders describes filtering signals to prevent the upstream transmission of signals, no teaching exists whatsoever to adapt the filter in Sanders to be a two-way filter.

Even if one were to take the circuit described in Sanders and add it the combination of references described by the other cited references, the combination would not achieve the two-way filtering as set forth in Claim 1. Rather, Sanders would only provide a one-way filter that blocks outgoing signals.

Thus, combining Sanders with Freadman or the other cited references, would at best create a system with two different notch filters. Thus, the cited references fail to teach the concept of a notch filter with first and second ports that performs filtering of video signals and local area network signals.

A Notch Filter That Allows Transmission of Local Area Network Signals

The notch filter in Claim 1 does three things: 1) it filters incoming video signals, 2) it filters outgoing local area network signals, while 3) allowing the transmission of the local area network signals within the building. Thus, the references need to teach a circuit that both filters incoming and outgoing signals while allowing the transmission of the signals within the filtered signal range to occur over a local area network. None of the cited references teach this concept.

For example, Claim 1 states that the “transmissions from the local area network occur at one or more frequencies as the filtered out bands of video signals.” In addition, Claim 1 states that the “local area network of computers can send and receive signals within the filtered out band of video signals on the coaxial cable in communication of the second port of the notch filter while the notch filter blocks the transmissions on the local area network from exiting the building.

However, none of the cited references describe the use of such a notch filter that allows the ongoing operation of the local area network in the very band of frequencies the notch filter has blocked from entering into the building. Still further, none of the cited references describe a notch filter that filters such local area network transmission via a second port from leaving the building.

Novel Frequency Converter That Transmits Signals Within A Filtered Band

Claim 1 is also directed to a novel frequency converter, in communication with the coaxial cable that configured to receive transmissions from the local area network at a first frequency and to send the signals at a second frequency.

Furthermore these first and second frequencies are within the filtered out bands of video signals such that the local area network of computers can send and receive signals within the filtered out band of video signals.

In contrast, none of the cited references, either alone or in combination, describe such a unique frequency converter that is configured to operate in this matter.

Legal Standard for Obviousness Under § 103

The case, KSR International Co. v. Teleflex Inc., 127 S.Ct. 1727, 82 U.S.P.Q.2d 1385 (2007), in no way relieves the Patent Office of its obligation to “consider ***all claim limitations*** when determining patentability of an invention over the prior art.” In re Lowry, 32 F.3d 1579, 1582 (Fed. Cir. 1994) (emphasis added). Accordingly, it remains well settled law that a finding of “obviousness requires a suggestion of ***all limitations*** in a claim.” CFMT, Inc. v. Yieldup Intern. Corp., 349 F.3d 1333, 1342 (Fed. Cir. 2003) (emphasis added) (cited in Ex Parte Wada, 2008 WL 142652, \*4 (Bd.Pat.App. & Interf., Jan. 14, 2008)).

In the aftermath of KSR, the Board of Patent Appeals and Interferences has repeatedly reversed findings of obviousness when the Examiner has failed to proffer a *prima facie* case of obviousness. See, e.g., Wada, 2008 WL 142652 at \*5 (“Because the Examiner has not explained why ***every limitation*** in claim 1 would have been obvious to a person of ordinary skill in the art, we agree with Appellants that the Examiner has not made out a case of *prima facie* obviousness.”) (emphasis added); Ex Parte Challapali, 2008 WL 111346, \*4-6 (Bd.Pat.App. & Interf., Jan. 10, 2008) (reversing finding of obviousness because the Examiner failed to establish sufficient reasoning for combining the references).

**Application No.: 10/666,184**  
**Filing Date: September 17, 2003**

**The Examiner Has Not Presented a Prima Facie Case of Obviousness**

In view of the arguments set forth herein, Appellant submits that Claim 1 is patentable over the cited references based on at least the following elements:

- 1) a notch filter that filters having two ports that both block incoming video signals and outgoing local area network signals,
- 2) a notch filter that allows transmission of local area network signals in the bands block by the notch filter, and
- 3) a frequency converter that receives local area network signals with a first frequency and sends local area network signals within a second frequency wherein the first and second frequencies are within a filtered band.

Thus, in order to establish a prima facie case of obviousness for the pending claims, the Examiner must present, inter alia, references that when combined have each and every claim limitation. However, none of cited references even when combined suggests such limitations. Thus, Appellant respectfully contends that the Examiner has failed to provide adequate articulation of reasoning to support the legal conclusion of obviousness.

Accordingly, Applicant respectfully requests allowance of Claim 1.

**Claims 2-5**

Claims 2-5 depend from Claim 1 and are believed to be patentable for the same reasons articulated above with respect to Claim 1, and because of the additional features recited therein.

**REJECTION OF CLAIMS 6-9 AND 12 UNDER 35 U.S.C. §103(a)**

The Office Action rejected Claims 6-9 and 12 under 35 U.S.C. §103(a) as being unpatentable over Freadman in view of Smith, and further in view of Sanders.

**Claim 6**

Claim 6 is of different scope than the other independent claims. In particular, Claim 6 is directed to a notch filter comprising a first port configured to receive a signal

**Application No.: 10/666,184**  
**Filing Date: September 17, 2003**

from a cable television transmission system and to filter out at least one portion of the signal in the range of approximately 50 MHz to approximately 750 MHz to produce a filtered signal.

Claim 6 also comprises a community antenna television wire configured to receive the filtered signal and routed in a tree configuration to a plurality of locations of a residence. The wire is also in communication with a second port of the notch filter.

In addition, Claim 6 comprises a plurality of computers in communication with the wire. Each of the computers having a modem configured to receive and transmit broadband signals between the computers within the tree configuration.

The computers are configured to send and receive communications between different ones of the computers via the modems by modulating a carrier having a frequency within the filtered out portion.

The notch filter receives the communications between the different ones of the computers at the second port and allows the communications to occur. In addition, the notch filter filters through the second port, the communications between the computers from being transmitted out of the residence.

Because the cited references fail to teach these concepts Applicant asserts that Claim 6 is not obvious in view of the cited references. Applicant therefore respectfully requests allowance of Claim 6.

**Claims 7-9 and 12**

Claims 7-9 and 12 depend from Claim 6 and are believed to be patentable for the same reasons articulated above with respect to Claim 6, and because of the additional features recited therein.

**REJECTION OF CLAIMS 13-33 AND 42-51 UNDER 35 U.S.C. §103(a)**

The Office Action rejected Claims 13-33 and 42-51 under 35 U.S.C. §103(a) as being unpatentable over Freadman in view of Decker, and further in view of Sanders.

**Claim 13**

Claim 13 is of different scope than the other independent claims. In particular, Claim 13 is directed to a method comprising routing community antenna television wiring in a tree configuration to different parts of a structure.

Claim 13 also comprises coupling a notch filter comprising a first port to the wiring for filtering out one or more bands of frequencies associated with one or more television broadcasts delivered to the wiring by a service drop of a community antenna television distribution system.

In addition, Claim 13 comprises coupling to the notch filter via a second port a plurality of computing devices.

Furthermore, Claim 13 comprises configuring at least some of the computing devices for two-way communication with others of the computing devices, wherein the two-way communication is connected to the second port of the notch filter.

The two-way communication occurs at least one frequency within the filtered out bands of television broadcasts such that the computing devices can send and receive signals within the filtered out bands of television broadcasts while connected to the second port.

The notch filter also allows the transmissions over the wiring within the structure while filtering the communications between the computing devices from being transmitted out of the structure.

Because the cited references fail to teach these concepts Applicant asserts that Claim 13 is not obvious in view of the cited references. Applicant therefore respectfully requests allowance of Claim 13.

**Claims 14-19**

Claims 14-19 depend from Claim 13 and are believed to be patentable for the same reasons articulated above with respect to Claim 13, and because of the additional features recited therein.

**Claim 20**

Claim 20 is of different scope than the other independent claims. In particular, Claim 20 is directed to a method comprising coupling a notch filter comprising a first port to coaxial wiring carrying television signals, wherein the coaxial wiring is routed in a tree configuration to a plurality of locations in a building.

Claim 20 also comprises filtering out a frequency band comprising a portion of the television signals with the notch filter.

In addition, Claim 20 comprises establishing two-way communications between at least two computing devices within the building and connected via the tree configuration. The two-way communications are coupled to a second port of the notch filter, wherein the communications are carried at least in part over the coaxial wiring utilizing the filtered out frequency band such that the computing devices computers can send and receive signals within the filtered out frequency band on the coaxial wiring while coupled to the second port.

The notch filter also allows the transmissions over the coaxial wiring within the building while filtering the communications between the computing devices from being transmitted out of the building.

Because the cited references fail to teach these concepts, Applicant asserts that Claim 20 is not obvious in view of the cited references. Applicant therefore respectfully requests allowance of Claim 20.

**Claims 21-33**

Claims 21-33 depend from Claim 20 and are believed to be patentable for the same reasons articulated above with respect to Claim 20, and because of the additional features recited therein.

**Claim 42**

Claim 42 is of different scope than the other independent claims. In particular, Claim 42 is directed to a method comprising receiving a television signal from a headend transmission equipment of a cable television transmission system.

**Application No.: 10/666,184**  
**Filing Date: September 17, 2003**

Claim 42 also comprises filtering out with a notch filter connected via a first port to the television signal to filter a portion of the television signal in the range of approximately 50 MHz to approximately 750 MHz to produce a filtered signal.

In addition, Claim 42 comprises coupling the filtered signal to unlooped cable television wiring that is in communication with a second port of the notch filter and coupling a plurality of computing devices to the cable television wiring. Each of at least some of the computing devices comprises a modem configured to receive and transmit broadband signals between the computing devices.

Furthermore, Claim 42 comprises establishing communications, at least in part over the cable television wiring, between different ones of the computing devices via the modem using at least one frequency within the filtered out portion; and

Claim 42 also comprises allowing the communications over the cable television wiring between the different ones of the computing devices while filtering with the notch filter the communications between the computing devices so as to prevent transmission of the communications to the headend transmission equipment.

Because the cited references fail to teach these concepts, Applicant asserts that Claim 42 is not obvious in view of the cited references. Applicant therefore respectfully requests allowance of Claim 42.

**Claims 43-51**

Claims 43-51 depend from Claim 42 and are believed to be patentable for the same reasons articulated above with respect to Claim 42, and because of the additional features recited therein.

**REJECTION OF CLAIMS 34, 35 AND 38-41 UNDER 35 U.S.C. §103(a)**

The Office Action rejected Claims 34, 35 and 38-41 under 35 U.S.C. §103(a) as being unpatentable over Freadman in view of Smith, Coutinho, and Sanders.

**Claim 34**

Claim 34 is of different scope than the other independent claims. In particular, Claim 34 comprises a receiver for receiving a television signal from a community antenna television system and a transmitter for transmitting signals to a headend equipment of the community antenna television system.

Claim 34 also comprises a notch filter in communication with the television signal via a first port, the notch filter configured to block at least one stop frequency band within the received television signal.

In addition, Claim 34 comprises a modem in communication with a second port of the notch filter. The modem is configured to receive and transmit broadband signals between computing devices within the at least one stop band.

Also, the notch filter is configured to allow the transmission of the broadband signals between the computing devices while blocking the transmission of the broadband signals between the computing devices from being sent to the headend equipment at least within the at least one stop band.

**Claims 35 and 38-41**

Claims 35 and 38-41 depend from Claim 34 and are believed to be patentable for the same reasons articulated above with respect to Claim 34, and because of the additional features recited therein.

**REJECTION OF 10 AND 11 UNDER 35 U.S.C. §103(a)**

The Office Action rejected Claims 10 and 11 under 35 U.S.C. §103(a) as being unpatentable over Freadman in view of Smith, Sanders, and Hendricks.

In response, Applicant notes that Claims 10 and 11 depend from Claim 6 and are believed to be patentable for the same reasons articulated above with respect to Claim 6, and because of the additional features recited therein.

**Application No.: 10/666,184**  
**Filing Date: September 17, 2003**

**REJECTION OF CLAIMS 36 AND 37 UNDER 35 U.S.C. §103(a)**

The Office Action rejected Claims 36 and 37 under 35 U.S.C. §103(a) as being unpatentable over Freadman in view of Coutinho, Sanders, and Hendricks.

In response, Applicant notes that Claims 36 and 37 depend from Claim 34 and are believed to be patentable for the same reasons articulated above with respect to Claim 34, and because of the additional features recited therein.

**NO DISCLAIMERS OR DISAVOWALS**

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application.

Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution.

Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

**OTHER APPLICATIONS OF ASSIGNEE**

Applicant wishes to draw the Examiner's attention to the following applications of the present application's assignee.

<b>Application No.</b>	<b>Filing Date</b>	<b>Attorney No.</b>	<b>Title</b>
08/840,083, now abandoned	04/09/97	MTIPAT.046A	Broadband Cable Television And Computer Network
08/872,010 Now U.S. Patent No. 6,637,030	06/10/97	MTIPAT.046DV1	Broadband Cable Television And Computer Network

**Application No.: 10/666,184**  
**Filing Date: September 17, 2003**

Applicant notes that cited references, office actions, responses and notices of allowance currently exist or will exist for the above-referenced matters. Applicant also understands that the Examiner has access to sophisticated online Patent Office computing systems that provide ready access to, for example, specification and drawing publications, pending claims and complete file histories, including, for example, cited art, office actions, responses, and notices of allowance.

Applicant respectfully requests that the Examiner continue to review these file histories for current information about these matters. Also, if the Examiner cannot readily access these file histories, the Applicant would be pleased to provide any portion of any of the file histories at any time upon specific Examiner request.

**CONCLUSION**

Applicant has endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. In light of the above remarks, reconsideration and withdrawal of the outstanding rejections is specifically requested.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 2-17-09

By: John R. King  
John R. King  
Registration No. 34,362  
Attorney of Record  
Customer No. 20,995  
(949) 760-0404

6636765:ad  
021309